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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
014682-000007

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]	Application Number	Filed
	10/709,751	May 26, 2004
on_____	First Named Inventor	
	Fonda J. Daniels et al.	
Signature_____	Art Unit	Examiner
Typed or printed Name_____	2168	Aaron J. Sanders

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
     Note: No more than five (5) pages may be provided.

I am the

☐   applicant/inventor.

☐   assignee of record of the entire interest.
    See 37 CFR 3.7.1. Statement under 37 CFR 3.73(b) is enclosed.
    (Form PTO/SB/96)

☒   attorney or agent of record.
    Registration number_____33,742_____.

☐   attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34_____

_____
Signature

Charles L. Moore
_____
Typed or printed name

919-286-8000
_____
Telephone number

August 7, 2007
_____
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐   *Total of ____1__ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Fonda J. Daniels et al.	)	Confirmation # 3750
	)	
Application No. 10/709,751	)	Examiner: Sanders, Aaron J.
	)	
Filed: May 26, 2004	)	Group Art Unit: 2168
	)	
Title: METHOD AND SYSTEM FOR	)	
MANAGING PRIVACY PREFERENCES	)	
	)	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REMARKS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants submit that the current and preceding office actions issued by the Examiner in the present application contain clear errors in the Examiner's rejections as well as omissions of one or more essential elements needed for a *prima facie* rejection under 35 U.S.C. § 102 and/or 35 U.S.C. § 103.

The present invention is related to managing privacy preferences or access to restricted information associated with federated content that is maintained or made available by an entity other than the author or an owner of the federated content, and distributing a content object, including an unrestricted portion and a link to the restricted or personal information, based on privacy preferences or other restriction preferences of the author or owner of the content object.

Claims 1, 4-7, 9, 11-16, 18, 20-24, 27-28, 30, 32-33, 35-36, 38, 40-41, and 43-45 were rejected under 35 U.S.C. §102(b) as being anticipated by Bohrer et al. (U.S. Patent Pub. No. US 2003/008520). This rejection is respectfully traversed. Claim 1 recites:

> "defining the content object to include the unrestricted portion of the object content in a mark-up language and a link to the restricted or personal information;"

The Examiner asserts Figure 2 and paragraph [0044] for rejecting this feature of the present

invention. In contrast to claim 1, paragraph [0044] of Bohrer recites:

> "FIG. 2 is a diagram of the data structure of an Authorization Rule 201. Each Authorization Rule 201 consists of four subelements: an Authorization Dataset 202, a Privacy Preference Rule 203, and Access List 204, and an Authorization Action 217. By expressing an Authorization Rule, a data subject defines a mapping from the first three subelements to a result action specified by the Authorization Action. In other words, an Authorization Rule declares that for a specified Authorizations Dataset, the specified Privacy Preference Rule is applied for the specified Access List to determine an Authorization Action."

Applicant respectfully submits that Bohrer does not teach or suggest defining a content object to include an unrestricted portion in a mark-up language and a link to the restricted or personal information as required by the embodiment of the present invention as recited in independent claim 1.

Additionally, claim 1 recites:

> "parsing the content object to separate privacy preferences or other restriction preferences of an author or owner of the content object from the content object ...."

The Examiner in rejecting this feature of claim 1 cites paragraph [0049] and FIG. 3 of Bohrer. Paragraph [0049] of Bohrer recites:

> "FIG. 3 is an expansion of the Privacy Preference Rule 203 in FIG. 2. It explains the data structure for specifying a Privacy Preference Rule for the data requesters in the Access List to access the data in the Authorization Dataset. The Privacy Preference Rule 301 in an Authorization Rule contains two declarations: data subject's privacy preferences and access actions allowed by the data subject. The Privacy Preference 302 specifies why and how the data can be accessed in terms of the P3P standards. It includes several statements: Purpose 304, Retention 305, Recipient 306, and Access 307. The system may define other statements 308 based on a specific application domain requirements."

Thus, Applicant respectfully submits that paragraph [0049] of Bohrer is describing a Privacy Preference Rule and says nothing about a content object, that privacy preferences or other restriction preferences are part of the content object. Nor does paragraph [0049] of Bohrer teach or suggest parsing the content object to separate privacy preferences or other restriction preferences from the content object as provided by the embodiment of the present invention as recited in independent claim 1. Accordingly, Bohrer fails to teach or suggest these features of independent claim 1. For all of the reasons discussed above, independent claim 1

is submitted to be patentably distinguishable over Bohrer, and reconsideration and withdrawal of the 35 U.S.C. §102 rejection of claim 1 is respectfully requested.

Turning now to the rejection of claims 4-7, 9, and 11-14 under 35 U.S.C. §102 as being anticipated by Bohrer, these claims recite additional features which further patentably distinguish over Bohrer. For example, claim 14 recites:

> "deleting or replacing the restricted or personal information with default or generic information in response to the privacy preferences or other restriction preferences of the author or owner of the content object being inconsistent with the content provider's policies;"

The Examiner cited paragraphs [0081] and [0082] in rejecting this feature of the embodiment of the present invention recited in claim 14. Bohrer in paragraph [0081] beginning at line 13 recites:

> "The list of Response Items is empty if the request cannot be fulfilled, either because the data subject profile does not exist, data requester is not authorized to access the data, or the privacy declarations in the request header do not match the privacy preferences associated with the subject profile."

Thus, Bohrer teaches putting together a list of Response Items in response to a request and just leaving the list empty if the request cannot be fulfilled. Bohrer does not teach or suggest deleting or replacing the restricted or personal information with default or generic information as provided by the embodiment of the present invention as recited in claim 14.

Additionally, Bohrer in paragraph [0082] on page 7 beginning at line 20 recites:

> "However, if any authorization rules still remain, the Policy Authorization Engine next <u>compares the privacy declarations in the request</u> with the Privacy Preference Rules in the authorization rules for each profile data item name in the request item 506." (Emphasis added)

Accordingly, Bohrer comparing the privacy preferences to the <u>data requestor's privacy policies or declarations</u> in the request and Bohrer does not teach or suggest deleting or replacing the restricted or personal information with default or generic information in response to the privacy preferences or other restriction preferences of the author or owner of the content object being inconsistent with the <u>content provider's policies</u> as required by the present invention as recited in claim 14.

Additionally, claims 4-7, 9, and 11-14 depend either directly or indirectly from

independent claim 1. Because of this dependency, these claims contain all of the features of claim 1. Therefore, claims 4-7, 9, and 11-14 are also submitted to be patentably distinguishable over Bohrer, and reconsideration and withdrawal of the 35 U.S.C. §102 rejection of these claims is respectfully solicited.

Turning now to the rejection of claims 15-16, 18, and 20-22 under 35 U.S.C. §102 as being anticipated by Bohrer, independent claim 15 recites:

> "comparing the privacy preferences or other restriction preferences to a content provider's policies;
> deleting or replacing private or restricted information with default or generic information in response to the privacy preferences or other restriction preferences being inconsistent with the content provider's policies, wherein the content provider collects the content object and has access to the private or restricted information;"

The Examiner also cited paragraphs [0081] and [0082] of Bohrer in rejecting these features of the embodiment of the present invention as recited in independent claim 15. As previously discussed, Bohrer teaches comparing the data requestor's privacy policies or declarations in the request from the requestor with the privacy preference rules and Bohrer does not teach or suggest comparing the privacy preferences or other restriction preferences of the author or owner of the content object to the content provider's policies. Bohrer also does not teach or suggest deleting or replacing private or restricted information with default or generic information in response to the privacy preferences or other restriction preferences of the author or the owner of the content object being inconsistent with the content provider's policies as recited in independent claim 15. Bohrer merely teaches creating a list of response items and leaving the list empty if the request cannot be fulfilled for some reason. Therefore, claim 15 is submitted to be patentably distinguishable over Bohrer, and reconsideration and withdrawal of the Section 102 rejection of independent claim 15 is respectfully requested.

With regard to the rejection of claims 16, 18, and 20-22, these claims recite additional features which further patentably distinguish over Bohrer. For example, claim 21 recites:

> "...parsing the content object to separate the privacy preferences or other restriction preferences from an unrestricted portion of the content object."

As previously discussed with respect to independent claim 1, Bohrer does not teach or suggest parsing the content object to separate the privacy preferences or other restriction preferences from an unrestricted portion of the content object as provided by the embodiment

of the present invention as recited in claim 21. Additionally, claims 16, 18, and 20-21 depend either directly or indirectly from independent claim 15. Because of this dependency, these claims include all of the features of independent claim 15. Therefore, claims 16, 18, and 20-22 are also submitted to be patentably distinguishable over Bohrer, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of these claims is respectfully solicited.

With regard to the rejection of independent claims 23, 32 and 40, these claims recite similar features to independent claim 15. Therefore, these claims are submitted to be patentably distinguishable over Bohrer for the same reasons as discussed with respect to independent claim 15.

Regarding the rejection of claims 24, 27, 28, 30, 33, 35-36, 38, 41, and 43-45, claims 24, 27, 28, and 30 depend either directly or indirectly from independent claim 23; claims 33, 35, 36, and 38 depend directly from independent claim 32; and claims 41, and 43-45 depend either directly or indirectly from independent claim 40. Because of these dependencies, these dependent claims include all of the features of the respective referenced independent claim. Therefore, these claims are also submitted to be patentably distinguishable over Bohrer, and reconsideration and withdrawal of the Section 102 rejection of these claims is respectfully solicited.

As the Examiner's rejections have been shown to be in clear error and lack essential elements of a *prima facie* anticipation rejection or a *prima facie* obviousness rejection, Applicants respectfully request that the claims of the present application be allowed to issue.

Respectfully submitted,

Date: __August 7, 2007__   By: _____
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